IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.6890/2006
Atar Singh V. THE STATE OF RAJASTHAN

Date of order ::: December 21, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.N.A. Naqvi, for the applicant.
Mr.B.L. Avasthi, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of FIR No.209/2003 registered at Police Station Sarmathura, District Dholpur for the offence under Section 147, 148, 149, 323, 341, 452, 307, 302 IPC.

Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

The submission of counsel for the applicant is that fire arm injury caused to the deceased is said to be attributed to co-accused Nihala, not to the applicant and further the case of the applicant is not distinguishable from the case of Ramji @ Ramjilal, who has been released on bail on 3.12.2003. Subsequently, on 22.4.2004, other co-accused Shiv Singh has also been released on bail and then Shriniwas was also released on bail on

25.1.2005. Apart from above, the applicant was minor at the time of the alleged incident and no specific role resulting in injury has been attributed to the applicant.

Learned Public Prosecutor has opposed the bail application, but could not specifically distinguish the case of the applicant from the case of other co-accused persons, who have been released on bail.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

It is, therefore, ordered that applicant Atar Singh S/o Nihal Singh shall be released on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs. 25,000/- to the satisfaction of the learned trial court for his appearance before that Court as and when called upon to do so during pendency of the trial against him arising out of FIR No.209/2003 registered at Police Station Sarmathura, District Dholpur.

(PREM SHANKER ASOPA) J.

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